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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/901,078	07/10/2001	Rebecca Lynn Siegel	47004.000089	7083

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HUNTON & WILLIAMS LLP  
INTELLECTUAL PROPERTY DEPARTMENT  
1900 K STREET, N.W.  
SUITE 1200  
WASHINGTON, DC 20006-1109

EXAMINER

KARMIS, STEFANOS

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 05/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	09/901,078		SIEGEL ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Stefano Karmis		3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 39-47, 49-66 and 68-86 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 39-47, 49-66 and 68-86 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

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### **DETAILED ACTION**

1. This communication is in response to Applicant's amendment filed on 18 January 2005.

#### ***Status of Claims***

2. Claims 39-43, 49, 52, 56, 58, 59, 61, 62, 68, and 71 are currently amended. Claims 44-47, 50, 51, 53-55, 57, 60, 63-66, 69, 70, and 72-76 are previously presented. Claims 48 and 67 are cancelled. Claims 77-86 are newly added. Therefore claims 39-47, 49-66 and 68-86 are under prosecution in this application.

#### ***Response to Arguments***

3. Applicant's arguments, filed 18 January 2005, with respect to the rejection(s) of claim(s) 39-47, 49-66 and 68-86 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made as discussed below. Any remaining arguments are moot in view of the new grounds of rejection.

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

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such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. Claims 39-47, 49-66 and 68-86 rejected under 35 U.S.C. 103(a) as being unpatentable over Keyes et al. (hereinafter Keyes) U.S. Patent 6,456,983 in view of Land et al. (hereinafter Land) U.S. Patent 6,807,533.

Regarding independent claims 39, Keyes teaches receiving a baseline status of an account from an account database; retrieving an updated status of the account from an account database after a predetermined period of time; comparing the baseline status to the updated status, wherein the comparing operation is performed using a processor (column 4, line 43 thru column 5, line 22); generating an account metric based on the step of comparing the baseline status to the updated status, the account metric including a weighting according to at least a change in the level of delinquency of the account, wherein the generating operation is performed using the processor (column 5, line 57 thru column 6, line 36). Keyes teaches generating a score based on

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the account metric (column 5, line 57 thru column 6, line 36). Keyes further teaches a liquidation profile which are representative of how historical delinquent accounts within a particular historical portfolio group recovered over time and can be based upon payments made to a collection agency (column 7, lines 41-65). Keyes fails to teach providing a score to an account agent based on the account metric. Land teaches a web-based method and system for managing account receivables in which credit officers receive a performance evaluation for collecting on delinquencies (column 11, lines 45 thru column 12, line 3). Therefore it would have been obvious to one of ordinary skill in the art that the teachings of Keyes could have been modified to include the credit officer performance evaluation teachings of Land because it provides an efficient manner to monitor the collectors of delinquent accounts. The delinquent accounts taught by Keyes already contain a weighted scoring parameter and therefore associating the scoring of the account and liquidation profile with a credit officer (agent) would result in increased efficiency by the agent and a greater probability of collecting on a delinquent account as intended by Keyes.

Claims 40 and 59, multiplying an account balance by the change in level of delinquency of the account (column 5, line 57 thru column 6, line 36).

Claims 41, 60, 78 and 83, Keyes fails to teach monthly buckets associated with a change in the level of delinquency. Land teaches buckets associated with a change in the level of delinquency (column 10, lines 8-24). Therefore it would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Keyes and

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include buckets because they provide an accurate representation of the delinquency of an account on a month-to-month basis.

Claims 42, 61, 80 and 85, Keyes teaches generating account metric based on multiple factors. Keyes fails to teach generating based on a risk rating. Land teaches a risk code utilized during the collection process. Therefore it would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Keyes and include risk codes because they provide an associated parameter used when assessing delinquent accounts and possible collection strategies.

Claims 43 and 62, generating an account metric by multiplying an account balance by an outcome rating (column 5, line 57 thru column 6, line 36).

Claims 44-47 and 63-66, Keyes teaches that the account is a financial account (column 4, lines 25-41). Keyes fails to specify that the financial account is a revolving credit account or mortgage account. Official notice is taken that payment on revolving credit account and mortgage accounts are old and well known in the financial arts. Therefore it would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Keyes and include revolving credit account and mortgage accounts because they are financial accounts that require payment and required a collection effort when in a delinquent state.

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Claims 49, 50, 66 and 68, aggregating the account metric for each of a plurality of account to generate an aggregate metric (column 5, line 57 thru column 6, line 36).

Claims 51- 53 and 70-72, Keyes fails to teach generating reports consist of reports for agents, teams, groups, divisions and corporate. Land teaches a performance evaluation and report to track a credit officer in the collection of delinquent accounts (column 11, line 46 thru column 12, line 3). Therefore it would have been obvious to one of ordinary skill in the art that the teachings of Keyes could have been modified to include the credit officer performance evaluation teachings of Land because it provides an efficient manner to monitor the collectors of delinquent accounts. The delinquent accounts taught by Keyes already contain a weighted scoring parameter and therefore associating the scoring of the account and liquidation profile with a credit officer (agent) would result in increased efficiency by the agent and a greater probability of collecting on a delinquent account as intended by Keyes.

Claims 54, 55, 73 and 74, Keyes fails to specify that the predetermined period of time is a period less than a statement period. Official Notice is taken that elapsing time to check on an account is old and well known in the art. Therefore it would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Keyes and include specified period of time of less than a statement because it provides plenty of opportunities to review an account status and continuously have information to the delinquency level of the account and try to prohibit accounts from falling to far into a delinquent state.

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Claims 56, 57, 75 and 76, Keyes teaches a network interface to view account metrics. Keyes fails to specify presenting a network interface such as a webpage to view the account metric. Land teaches web browser access to interface with account metrics and aid with the collection process (column 3, line 66 thru column 4, line 4).

Claims 79, 81, 84 and 86, Keyes fails to teach providing a score to an account agent based on the account metric of payment amount and outcome rating. Land teaches a web-based method and system for managing account receivables in which credit officers receive a performance evaluation for collecting on delinquencies (column 11, lines 45 thru column 12, line 3). Therefore it would have been obvious to one of ordinary skill in the art that the teachings of Keyes could have been modified to include the credit officer performance evaluation teachings of Land because it provides an efficient manner to monitor the collectors of delinquent accounts. The delinquent accounts taught by Keyes already contain a weighted scoring parameter and therefore associating the scoring of the account and liquidation profile with a credit officer (agent) would result in increased efficiency by the agent and a greater probability of collecting on a delinquent account as intended by Keyes.



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***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stefano Karmis whose telephone number is (571) 272-6744. The examiner can normally be reached on M-F: 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571) 272-6747. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Respectfully Submitted  
Stefano Karmis  
25 April 2005



VINCENT MILLIN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600